In the Claims

A full listing of the claims follows:

1. (Currently amended) A ~~composition, in particular a~~ pulverulent masterbatch composition, ~~which comprises~~ comprising a nanoclay, ~~composed of~~ which comprises ~~a~~ an organically intercalated swellable inorganic layered material, which has been ~~modified by~~ surface coated in a dry process with a pre-exfoliating additive or ~~by an~~ additive mixture.

2. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in claim 1, characterized in that the average particle size of the nanoclay ~~present~~ is from 0.1 to 1000 µm~~, preferably from 0.1 to 100 µm, particularly preferably from 1 to 15 µm, and very particularly preferably from 2 to 10 µm~~.

3. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in claim 1 ~~or 2~~, characterized in that the nanoclay ~~present encompasses~~ comprises a ground nanoclay.

4. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in ~~any of claims 1 to 3~~ claim 1, characterized in that the inorganic layered material

~~has been~~ is selected from naturally occurring or synthetic phyllosilicates.

5. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in ~~any of claims 1 to 4~~ claim 1, characterized in that the additive or the additive mixture has been selected from the group consisting of ~~the~~ saturated or unsaturated fatty acids and their salts, ~~the~~ fatty acid derivatives, ~~the~~ polymer fatty acids, ~~the~~ siloxane derivatives, ~~or~~ and their mixtures.

6. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in claim 5, characterized in that the fatty acid or fatty acid derivatives have been selected from fatty acids having from 10 to 30 carbon atoms.

7. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in claim 5 ~~or 6~~, characterized in that the fatty acid derivatives have been selected from the group consisting of hydrogenated derivatives, alcohol derivatives, amine derivatives, ~~or~~ and their mixtures.

8. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in claim 5 ~~or 6~~, characterized in that the unsaturated fatty acids ~~encompass~~ ~~the~~ comprise mono- or polyunsaturated hydroxy fatty acids.

9. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in claim 5 ~~or 6~~, characterized in that the fatty acid derivatives have been selected from the group consisting of ~~the~~ polymeric fatty acids, ~~of the~~ keto fatty acids, ~~of the~~ fatty acid alkyloxazolines, ~~and~~ fatty acid alkylbisoxazolines, ~~or~~ and their mixtures.

10. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in claim 5, characterized in that the siloxane derivatives have been selected from the group consisting of oligoalkyl-siloxanes, polydialkylsiloxanes, polyalkylaryl-siloxanes, polydiarylsiloxanes, ~~or~~ and their mixtures.

11. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in claim 10, characterized ~~by~~ in that the siloxane derivatives are functionalized ~~by~~ with at least one reactive group.

12. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in ~~any of claims 1 to 4~~ claim 1, characterized in that the additive or the additive mixture has been selected from the group consisting of ~~the~~ ethylene-propylene terpolymers (EPM), ~~the~~ ethylene-propylene copolymers (EPDM), ~~the~~ thermoplastic elastomers, ~~the~~ coupling agents, ~~the~~ crosslinking agents, ~~or~~ and their mixtures.

13. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in claim 12, ~~characterized by an~~ wherein the average molecular weight of ~~EPM and/or EPDM of~~ the EPM and EPDM is less than 20 000.

14. (Currently amended) The composition~~, in particular a pulverulent masterbatch~~ as claimed in claim 12 ~~or 13~~, characterized by an ethylene:propylene ratio of the EPM and the EPDM from 40:60 to 60:40 ~~in EPM and/or EPDM~~.

15. (Currently amended) ~~The composition, in particular a pulverulent or granular masterbatch in the form of a~~ A substantially homogeneous mixture ~~of~~ comprising the ~~pre-exfoliated nanoclay as claimed in any of claims 1 to 14~~ composition of claim 1 with a polymer powder.

16. (Canceled)

17. (Canceled)

18. (Canceled)

19. (Canceled)

20. (Currently amended) ~~The use of the composition, in particular of the powder masterbatch as claimed in any of claims 1 to 15 or of the polymer masterbatch as claimed in any of claims 16 to 19 as~~ A filler for use in polymers or polymer compositions comprising the composition of claim 1.

21. (Canceled)

22. (Currently amended) ~~The use~~ A combination product comprising the filler as claimed in claim ~~21~~ 20 in combination with a flame-retardant filler.

23. (Currently amended) The ~~use as claimed in claim 22, characterized by~~ combination product of claim 22 wherein the flame-retardant filler comprises a halogen-free filler.

24. (Currently amended) The ~~use as claimed in~~ combination product of claim 23, characterized in that the halogen-free flame-retardant filler has been selected from aluminum hydroxide, aluminum oxide hydrate (boehmite), magnesium hydroxide, magnesium oxide, brucite, magnesium carbonate, hydromagnesite, huntite, bauxite, calcium carbonate, talc, glass powder, melamine isocyanurates, their derivatives and preparations, borates, stannates, and hydroxystannates, phosphates, ~~or~~ and their mixtures.

25. (Currently amended) ~~The use as claimed in claim 20 as~~ A filler for use in polyolefins and their mixtures, in engineering plastics and their mixtures, and ~~also~~ alloys comprising the composition of claim 1.

26. (Canceled)

27. (Currently amended) ~~The use as claimed in claim 20 or 21 for~~ A product mixture comprising an elastomer~~s~~ ~~and~~ or thermoset~~s~~ and the composition of claim 1.

28. (New) A process for the preparation of a polymer or polymer composition comprising the steps of:

a) providing a carrier polymer or polymer composition,

b) providing the pulverulent masterbatch composition as claimed in claim 1, and

c) compounding the pulverulent masterbatch composition with the carrier polymer or polymer composition.

29. (New) The process as claimed in claim 28, wherein the pulverulent masterbatch composition is homogenously mixed with a polymer powder before compounding with the carrier polymer or polymer composition.

30. (New) The process as claimed in claim 28, comprising the further step of compounding a flame-retardant filler with the carrier polymer or polymer composition.

31. (New) A process for the preparation of the pulverulent masterbatch composition as claimed in claim 1 comprising the steps of

a) providing an organically intercalated swellable inorganic layered material, and

b) surface-coating the organically intercalated swellable inorganic layered material in a dry process with the pre-exfoliating additive or additive mixture of claim 1.

Basis for Amendments to Claims

The applicants have amended all the remaining claims of the application, canceled claims 16-19, 21 and 26 and added new claims 28-31.

Please note that the original application, as filed, in German and the translation therefor in English, both contained two claim 25's. Pursuant to this Preliminary Amendment, the second claim 25 has been renumbered as claim 27. (Original claim 26 is being canceled.)

Basis for these new claims is contained on page 12, line 25, to page 15, line 20.

The claims of the application have been amended to put them in proper format for review by the USPTO as the claims as filed were in format for prosecution before the European Patent Office.

No new subject matter is added by any of the amendments to the claims or by the addition of new claims. No amendments to the claims have been made based on any prior art.